

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

LETTERS PATENT APPEAL No 1203 of 1997

WITH

CIVIL APPLICATION NO. 9041 OF 1997

IN

SPECIAL CIVIL APPLICATION NO. 4292 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE B.C.PATEL and

MR.JUSTICE S.M.SONI

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

BABUBHAI M DESAI

Versus

BOMBAY MERCANTILE CO OP BANK LIMITED

Appearance:

MR DC RAVAL for Petitioner

CORAM : MR.JUSTICE B.C.PATEL and
MR.JUSTICE S.M.SONI

Date of decision: 24/09/97

ORAL JUDGEMENT (Per Patel, J.)

Being aggrieved by the judgment and order passed by learned Single Judge (Coram: Ms. R.M. Doshit, J.) on 8.9.1997 in Special Civil Application No. 4292 of 1997, the original petitioner has preferred this appeal.

2. The sum and substance of the petitioner's contention is that the petitioner was working in a Co-Operative Bank, and as criminal proceedings have been initiated, departmental inquiry should not proceed against him.

3. Learned Singled Judge has considered the submissions made by the learned Advocate appearing for the petitioner. After considering the decisions which are referred in the judgment, the learned Judge has come to the conclusion that the respondent Bank, which is a Co-operative Bank registered under the Maharashtra Co-operative Societies Act, is not a "State" or "other authority" within the meaning of Art. 12 of the Constitution nor is it amenable to the writ jurisdiction of this Court. Learned Single Judge has therefore, held that the petition under Article 226 of the Constitution of India is not maintainable.

4. In view of what is stated in the judgment of the learned Single Judge, we do not find any substance in this appeal, and the appeal stands dismissed summarily. Consequently, the Civil Application does not survive, and it stands disposed of accordingly.

csm./ -----